

## APPENDIX B

### AMENDMENTS TO OTHER RULES

#### RULES OF PROFESSIONAL CONDUCT (RPC)

##### **RPC 5.8 MISCONDUCT INVOLVING DISBARRED, SUSPENDED, RESIGNED, AND INACTIVE LAWYERS**

(a) A lawyer shall not engage in the practice of law while on inactive status, or while suspended from the practice of law for any cause.

(b) A lawyer shall not engage in any of the following with an individual who is a disbarred or suspended lawyer, or who has resigned in lieu of disbarment or discipline, or who has been transferred to disability inactive status:

- (1) practice law with or in cooperation with such an individual;
- (2) maintain an office for the practice of law in a room or office occupied or used in whole or in part by such an individual, except to the extent authorized by the order transferring a lawyer to disability inactive status;
- (3) permit such an individual to use the lawyer's name for the practice of law;
- (4) practice law for or on behalf of such an individual; or
- (5) practice law under any arrangement or understanding for division of fees or compensation of any kind with such an individual.

##### Washington Comments

[1] The provisions of this Rule were taken from former Washington RPC 5.5(d) and (e) (as amended in 2002).

[2] This rule prohibits a lawyer from ~~hiring or employing a lawyer in connection with or related to the practice of law~~ having a lawyer who is disbarred, or suspended, or a lawyer who is on disability inactive status or who has resigned in lieu of disbarment or discipline work in the lawyer's practice of law. It does not prohibit a lawyer from ~~hiring~~ having such an individual work in capacities not involving the practice of law. Thus, a lawyer may employ such an individual in other, nonlaw-related capacities from such mundane tasks as mowing lawns or washing windows, to more sophisticated employment such as managing a business or property not related to the lawyer's practice of law.

[3] This rule clearly prohibits a lawyer from sharing offices with a disbarred or suspended lawyer, or a lawyer who is on disability inactive status or a lawyer who has resigned in lieu of disbarment or discipline, or from having any arrangement with such an individual which relates to the practice of law. However, in the case of a lawyer on disability inactive status, an exception is made, to the extent authorized by the order transferring a lawyer to disability inactive status, which is designed to allow retired partners to continue to come to the office under appropriate restrictions. A disbarred or suspended lawyer, or a lawyer who is on disability inactive status, or a lawyer who has resigned in lieu of disbarment or discipline, may not be employed as a paralegal or law clerk, may not be employed to do legal research or writing, or work as a law office secretary or other office employee. Neither may such an individual be employed in the law

office as an investigator, messenger, or accountant ~~in connection with a lawyer's law practice~~, because that would constitute a violation of the prohibition against "practic[ing] law under any arrangement or understanding for division of fees or compensation of any kind with such an individual." This rule does not, however, prohibit a lawyer from hiring such an individual to serve in an independent role, such as an outside mediator, messenger, process server, or accountant, or as a business or computer consultant, provided that the individual is not directly assisting the lawyer in the representation of clients.